

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRANCH BANKING AND TRUST  
COMPANY,

Plaintiff,

v.

DAVID M. FRANK, et al.,

Defendants.

2:11-CV-1366 JCM (CWH)

**ORDER**

Presently before the court is plaintiff Branch Banking and Trust Company's *ex parte* application for issuance of writs of attachment and garnishment against defendant David Frank. (Doc. #22). Defendants David Frank, et. al. filed a notice asking the court to either summarily dismiss the *ex parte* application or issue a briefing schedule to allow time for defendants to properly oppose the motion. (Doc. #23).

Plaintiff's motion seeks a writ of attachment and garnishment of an amount up to \$20,079,720.36. (Doc. #22). Plaintiff asserts that defendant Frank is entitled to a portion of two inverse condemnation settlements "for at least \$25,000,000.00" involving Wall Street Nevada, LLC. (Doc. #22).

Defendants assert in their notice that defendant Frank "possesses no interest, claims no interest, and asserts no interest in any settlement proceedings regarding Wall Street Nevada, LLC." (Doc. #23). "Thus, [p]laintiff is attempting to attach settlement proceeds in which [d]efendant has

1 no interest . . . .” (Doc. #23).

2 Good cause appearing,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants shall have up  
4 to and including January 31, 2012, to file an opposition. Plaintiff may file a reply within 7 days of  
5 defendants’ opposition.

6 DATED January 23, 2012.

7  
8   
9 UNITED STATES DISTRICT JUDGE